

AO 120 (Rev. 3/04)

TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>SOLICITOR</b> AUG 13 2007	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</b>
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**U.S. PATENT & TRADEMARK OFFICE**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court DISTRICT OF NEVADA on the following ☒ Patents or ☒ Trademarks:

DOCKET NO. 3:05-cv-49-LRH(VPC)	DATE FILED 2/2/2006	U.S. DISTRICT COURT DISTRICT OF NEVADA
PLAINTIFF CALCULATED INDUSTRIES, INC., et al.		DEFENDANT SYNAPSE RETAIL VENTURES, et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,721,623 (Patent)	4/13/2004	Calculated Industries (CMT) See Attached Complaint
2 2,496,661 (Trd-Mrk)	4/13/2004	Calculated Industries (CMT) See Attached Complaint
3		
4		
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In the above—entitled case, the following patent(s) trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK: LANCE S. WILSON	(BY) DEPUTY CLERK <i>Lance S. Wilson</i>	DATE 2/2/06
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

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Attorneys for Synapse Retail Ventures, Inc.  
and The Kroger Co.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CALCULATED INDUSTRIES, INC.,  
a Nevada corporation, and CONSTRUCTION  
MASTER TECHNOLOGIES, INC., a  
Nevada corporation,

Plaintiffs,

Case No. 3:06-cv-00049-LRH-VPC  
CURRENTLY PENDING IN THE  
DISTRICT OF NEVADA

v.

~~PROPOSED~~ STIPULATED ORDER  
OF DISMISSAL WITHOUT  
PREJUDICE

SYNAPSE RETAIL VENTURES,  
a Connecticut corporation, THE KROGER  
CO., an Ohio corporation, and DOES  
1 - 10,

Defendants.

Pursuant to the joint stipulation signed by all parties who have appeared in this Action,  
and pursuant to Rule 41(a)(1), Fed. R. Civ. P., the Court hereby ORDERS:

1. that the Complaint of Plaintiffs is DISMISSED WITHOUT PREJUDICE;

2. that the Counterclaims of Defendants are DISMISSED WITHOUT PREJUDICE;

and

3. that the parties shall bear their own attorneys' fees and costs.

This Stipulation has been reviewed and approved as to form and substance by counsel for the parties, as follows:

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*Counsel for Plaintiffs*

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: 11/22/06

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 20, 2006 all counsel of record who are deemed to have consented to electronic service are being served with a copy of **[PROPOSED] STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE** via the Court's CM/ECF system per Local Rule 5-3.

Dated: November 20, 2006.

s/Annette P. McGuire